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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,292	04/11/2005	Christopher P. Parle	7095CEL-1	5274
23442	7590	11/26/2008		
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			EXAMINER GRAVINI, STEPHEN MICHAEL	
			ART UNIT	PAPER NUMBER
			3743	
			MAIL DATE	DELIVERY MODE
			11/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/505,292

Applicant(s)

PARLE ET AL.

Examiner

Stephen M. Gravini

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-26, 29, 30 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-26 is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 29, 30 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Those claims recite a second curvature, but the originally filed specification and supporting drawings do not show that feature. The claimed second curvature is construed as new matter because it is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 103

Claims 1-8, 10 29-30, and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable Lizé (US 5,636,450) in view of Coar (US 4,218,833). The claims are reasonably and broadly construed in light of the specification, as being disclosed by Lizé for comprising:

an IR dryer, for use in drying a continuous paper web (col. 1, line 24) by means of IR radiation (col. 1, line 31), comprising:

an array of IR emitters (7, fig. 2) having a length and arranged in spaced relation to the paper web (1, fig. 2);

a lamp protection plate (9, fig. 2) placed intermediate the IR emitters (7, fig. 2) and the paper web;

said lamp protection plate having a length wherein a paper web is moved in a curved path to dry the paper web and wherein at least one of the lamp protection plate and array of IR emitters is curved along its length and extends substantially parallel to of the curved path (fig. 2, col. 1, lines 30-35); or alternatively:

an IR dryer, for use in drying a continuous paper web (col. 1, line 24) by means of IR radiation (col. 1, line 31), comprising:

an array of IR emitters (7, fig. 2) arranged in use, in spaced relation to the paper web, said array of IR emitters comprising a plurality of first quartz tubes and each tube having an IR heating element therein (1, fig. 2);

a lamp protection plate (9, fig. 2) intermediate the IR emitters (7, fig. 2) and the paper web;

said lamp protection plate comprising a second plurality of quartz tubes arranged in an array (fig. 2, col. 1, lines 30-35); or alternatively:

a drying cylinder 4 for moving the web of paper;

an array of curved lamps **7** spaced from the cylinder, each of which lamps includes an IR heating element located within a corresponding curved quartz tube, each of the curved lamps having a length extending substantially parallel to and being curved along its length in a direction of a curved path of the paper on the cylinder such that the curved lamps can radiate normal to the cylinder (fig. 2); and

a curved lamp protection element **9** comprising a plurality of quartz tubes placed between said web of paper and said array of curved lamps. Although Lizé does not expressly disclose the claimed quartz tube, the quartz glass recited in column 3 line 30 is an obvious modification to that claim recitation such that one skilled in the art would be able to modify the disclosed quartz glass such that it takes on a tube shape. Lizé also discloses gas powered heating elements inherently since it is well known that IR heating is by lamps and/or gas burning sources, gas passage cooling, curved reflector plate, second plurality of quartz tubes, side by side arrangement, same paper directional movement extending in the same direction as shown in figures 1-3. Lizé discloses the claimed invention, except for the claimed second curvature along its length. Coar, another IR dryer, discloses that feature at column 3 lines 22-54 and shown in figure 3. It would have been obvious to one skilled in the art to combine the teachings of Lizé, with the second curvature of Coar for the purpose of allowing rounded surfaces for proper spacing, suitable air guides, and simple disassembly to interior access for repair or cleaning.

Allowable Subject Matter

Claims 11-26 are allowable over the prior art as discussed in prior Office actions.

Response to Arguments

Applicant's arguments have been considered but are moot on the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth B. Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gravini/
Primary Examiner, Art Unit 3749

